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## DIGEST OF OTHER RECENT VIRGINIA DECISIONS.

## Supreme Court of Appeals.

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

FEWELL *v.* SOUTHERN RY. CO.

Feb. 2, 1906.

[52 S. E. 689.]

**Master and Servant—Injuries to Servant—Defective Appliances—Selection by Servant.**—A gang of men engaged in loading and unloading freight cars were furnished with a sufficient supply of boards to be used as a gangway for their trucks. The men were authorized, and it was their duty, to select for themselves and to place in proper position the boards to be used by them. Plaintiff, who was a member of the gang, or one of his companions, selected a board having a large piece chipped out of one corner to use as a gang plank from a car to the platform. The truck which plaintiff was pushing struck the board at the defective corner, knocking it from its position, and causing the truck and plaintiff to fall, thereby injuring plaintiff. Held, that the injury was attributable to the negligence of plaintiff or of one of his fellow servants in selecting an obviously defective plank, and the railroad was not liable therefor.

[Ed. Note.—For cases in point, see vol. 34, Cent. Dig. Master and Servant, §§ 712-718.]

FRENCH *v.* VRADENBURG'S EX'RS et al.

Feb. 2, 1906.

[52 S. E. 695.]

**Wills—Rights of Devisee—Discharge of Incumbrances.**—Where a will expressly directs the payment of debts from the personal property, a devisee of real property, incumbered by testator subsequent to the execution of the will, is entitled to have the incumbrance discharged from the personal estate, to the detriment of pecuniary and specific legatees.

[Ed. Note.—For cases in point, see vol. 49, Cent. Dig. Wills, § 2149.]

LEE *v.* PATILLO, et al.

Feb. 2, 1906.

[52 S. E. 696.]

**1. Brokers—Duties of Principal—Exercise of Good Faith.**—One who